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Reinhart Boerner Van Deuren s.c.

By: Antonia M. Holland

Antonia M. Holland

Date: March 4, 2003

PATENT APPLICATION

# 7

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 1600/2900

GROUP ART UNIT: 3651

EXAMINER: Joynes, Robert M.

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GROUP 3600

In re application of: Oscar M. Bassinson )

Application No: 10/027,565 )

Filed: December 21, 2001 )

Attorney Docket No. 6739 )

For: PERSONAL MEDICAL  
DISPENSING CARD

Commissioner for Patents  
Washington, D.C. 20231

March 4, 2003

PETITION TO MAKE SPECIAL FOR NEW APPLICATION  
UNDER M.P.E.P. § 708.02, VIII

NOTE: See M.P.E.P. § 708.02, 7<sup>th</sup> ed.

1. **Petition**

Applicant hereby petitions to make this application, which has not received any examination by the Examiner, special because the invention is directed to countering terrorism.

Accordingly, accompanying this petition is:

- (a) A Statement by Attorney of explaining how the claimed invention contributes to countering terrorism in Support of the Petition to Make Special; and

- (b) A Statement by Expert in the Art explaining how the claimed invention contributes to countering terrorism in Support of Petition to Make Special (including a CV of Expert).

## 2. Claims

*(check and complete all applicable items (a) through (c))*

- (c) ☒ All the claims in this case are directed to a single invention.
- (d) ☒ If the Office determines that all the claims presented are not obviously directed to a single invention, then applicant will make an election without traverse as a prerequisite to the grant of special status.
- (e) ☒ If claim(s) 1-20 and 34-36 are found not to be examinable in this case with claim(s) 21-33, then applicant hereby elects Claims 1-20 and 34-36 for the prosecution of this case.

## 3. Search

A search has been made by a professional searcher in the following:

- (f) ☒ field of search: Medication Dispensing Devices

<u>Class</u>	<u>Subclass(es)</u>
40	654.01
206	438, 528, 530, 531, 532, 534, 534.1, 534.2
424	400, 409
514	953

- (g) ☐ publications: \_\_\_\_\_

- (h) ☐ foreign patents: \_\_\_\_\_

## 4. Copy of references

An Information Disclosure Statement was filed on May 8, 2002 including copies of the references deemed most closely related to the subject matter encompassed by the claims. Further, a Supplemental Information Disclosure Statement is submitted herewith with a copy of an additional reference also deemed closely related to the subject matter encompassed by the claims.

- ☒ Also attached is Form PTO/SB/08A (formerly Form PTO-1449)

## 5. Detailed discussion of the references

There is submitted herewith a detailed discussion of the references, which discussion particularly points out how the claimed subject matter is distinguishable over the references.

*NOTE: As to all other references not treated above, an Information Disclosure Statement should be filed.*

- ☒ Also attached is a Supplemental Information Disclosure Statement including one additional reference not already of record.

## 6. Fee

The fee required by 37 C.F.R. 1.17(h) (\$130.00) is to be paid by


- ☒ Attached is a ☒ check ☐ money order in the amount of \$130.00.
- ☐ Authorization is hereby made to charge the amount of \$\_\_\_\_\_
- ☐ to Deposit Account No. \_\_\_\_\_
- ☐ to Credit card as shown on the attached credit card information authorization form PTO-2038.

*WARNING: Credit card information should not be included on this form as it may become public.*

- ☒ Charge any additional fees required by this paper or credit any overpayment to Deposit Account No. 18-0882.

A duplicate of this paper is attached.

Respectfully submitted:

BY   
Rodney D. DeKruif  
Attorney for Applicant  
Registration No. 35,853

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(414) 298-8360

Customer No. 22922



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**PATENT APPLICATION**

Reinhart Boerner Van Deuren s.c.

By: Antonia M. Holland

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Date: March 4, 2003

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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**For: PERSONAL MEDICAL  
DISPENSING CARD**

Commissioner for Patents  
Washington, D.C. 20231

**March 4, 2003**

**STATEMENT EXPLAINING HOW THE ABOVE-CITED INVENTION  
CONTRIBUTES TO COUNTERING TERRORISM (M.P.E.P. § 708.02)**

**I. Brief Description of the Invention.**

The present invention relates to a medication dispensing card adapted for carrying medication that can, in certain embodiments, be approximately the size of a conventional credit card, allowing a user to easily carry the card within a wallet, purse or pocket. The card can be made of a relatively rigid material similar to a conventional credit card. The card contains medication disposed on a surface of the card for instantly and easily administering the medication to the user. Further, the

card for instantly and easily administering the medication to the user. Further, the medication can be removably sealed within the card by a cover such as a thin plastic film or layer to protect the medication.

The medication can be in a particulate or powder form and simply removed from the card by removing the cover or seal from the card. Preferably, the medication includes a binding agent or a gelling agent for retaining the medication on the surface of the card. Further, the card can contain more than one type of medication or therapeutic formulation. Preferably, the medication is solubly removable from the card by a user's tongue or mouth. However, the medication can also be removed from the card by dissolution with water or another preferred solvent.

Further, the medication can be removably sealed within the card by a thin film or layer to protect the medication. When the medication must be taken, the user simply removes the film and licks the medication from the card. In addition, the medication may be rapidly dissolved in or taken with water.

## **II. The State of Affairs in the United States.**

Since September 11, 2001, Americans have been alerted to the prospect of another attack on the United States. In light of our country's War on Terrorism and especially in light of the possibility of war with other hostile, rogue nations, such as Iraq and Korea, Americans are concerned about their safety both within the United States and outside this country. President Bush, Tommy Thompson, Health and Human Services Secretary, Tom Ridge, Head of the Office of Homeland Security, and many members of the United States Congress have spoken openly to the public about the real possibility of a chemical, biological or nuclear attack within the United States, on American soldiers or on innocent civilians around the world.

Indeed, the President's Initiative on Countering Bioterrorism includes the expeditious development and licensing of products to diagnose, treat or prevent outbreaks from exposure to bioterrorist pathogens/agents. This initiative includes both fast tracking FDA approval for medical countermeasures available to treat or prevent the effects of biological and chemical agents, and advancing technologies for medical delivery and transmission of the countermeasures.

Clearly, in the tragic event of a biological, chemical or nuclear attack, the near-instant availability of medical cures or antidotes is paramount. Biological pathogens like small pox, anthrax, plague, botulism, tularemia and hemorrhagic fever may be treated with antidotes or vaccines; however, many Americans may not want treatment or vaccination until absolutely necessary or until actual exposure occurs.

Consider the following:

**A. Exposure to Anthrax.**

In the event of exposure to anthrax, a readily available and convenient to access container for dispensing a dose of ciprofloxacin, tetracyclines (including doxycycline), penicillins, or another approved antibiotic is needed. Indeed, even if an individual is exposed to anthrax but does not show any symptoms, treatment with antibiotics can continue for up to sixty days to ensure the individual does not contract the disease. Therefore, an effective method for delivering and administering multiple doses of anthrax treatment

**B. Exposure to Nuclear or Dirty Bombs.**

In the event of a nuclear attack, Americans will need a readily available and easily dispensable treatment for radiation poisoning such as iodine.

In fact, as recently as February 2003, the CIA and Secretary of State Colin Powell formally publicized the existence of attempts to build dirty bombs by al-Qaida and Iraq. To counter this threat, the Food and Drug Administration has urged pharmaceutical manufacturers to quickly manufacture and stockpile the pigment Prussian blue, known as an effective antidote for radiation exposure.

### **C. Exposure to Nerve Gas.**

In addition, in the event of a chemical attack such as exposure to nerve gas, medications like atropine must also be readily available and easily dispensable to the public. Moreover, the FDA just approved the drug pyridostigmine bromide, which if administered before exposure to a Soman "nerve gas" attack, is effective in increasing survival from nerve gas poisoning. This action from the FDA underscores both the reality of a potential attack and the importance of the availability of the antidotes.

### **III. How the Invention Relates to Counter-Terrorism.**

In the event of an emergency resulting from a terrorist attack or war, emergency personnel will need to consume readily available medication before assisting others. In addition, American soldiers will need to be equipped with light, easy to carry medications and nutritional supplements before going into hostile territory. Hospitals and schools will need to have ample supply of cures for easily transmittable viruses such as anthrax. Finally, in the event that a country turns its weapons on its own people, or if there are significant numbers of exposed victims, an easy to ship and effective method for delivering and administering medication is needed. As such, a new delivery system for maintaining and storing medication for easy and immediate delivery to its users is necessary.

The present invention counters terrorism by expediting the delivery of antidotes and/or medications during, before or immediately after a biological, chemical or nuclear attack on American citizens and soldiers. In particular, each of the aforementioned medicants can be dispensed using this invention. Further, it can be used to quickly deliver and administer vitamins and other medicants to soldiers, citizens, and victims of terrorist attacks around the world. In addition, the compact size of the invention makes it easy to store and/or stock pile in the event of a war or potential terrorist threat.

The invention can retain the medication/antidote in a credit-card size dispenser that is light, compact and easy to carry within a wallet, purse or pocket. The card can be sealed to protect the medication and keep it sterile. The medication is preferably supplied in a solubly removable form so that the medication can be taken quickly by licking it off the card or otherwise solubly removing and ingesting the medication. Importantly, in the case of a contaminated water supply, a user can take the medication by just licking it off of the card. Further, the card can contain more than one type of individually dispensable medication/antidote, but will still be light enough to carry with the user.


Specifically, in the event of a biological attack, this invention counters terrorism by providing a product that immediately provides an exposed patient with a cure or antidote which prevents that patient from transmitting the pathogen to others, preventing a widespread outbreak. Further, this invention enables emergency workers and military personnel to possess multiple cards bearing several types of antidotes and/or medications to instantly treat themselves before administering the medications to others. Also, in the event of a widespread attack or outbreak, the invention can be used to carefully administer an appropriate dosage or effective amount of a medication where the medication is in limited supply or must be rationed.



In addition, the cards are light and compact enough to be air lifted or shipped around the world to assist the victims of war, oppression or biological outbreak where normal channels of distribution are interrupted. Further, the form of the medication is easily administered to and carried by children.

It can be seen that the present invention is a novel delivery system for maintaining and storing medication so that individuals directly involved or impacted by a national emergency, a foreign war or a terrorist attack may readily access and ingest medical antidotes and cures. Favorable consideration of this petition is respectfully submitted. Should the Examiner believe that the prosecution of the application could be so expedited, the Examiner is requested to call Applicant's undersigned attorney at the number listed below.

Respectfully submitted:

BY   
Rodney D. DeKruif  
Attorney for Applicant  
Registration No. 35,853

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# CAPITAL FUNDING STRATEGIES, LLC

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MAR 14 2003

TECH CENTER 1600/2900

March 3, 2003

U.S. Patent Office

Subject: "In the Lick of Time" Dose Method  
Expedited Review

Dear Patent Reviewer:

When I was first introduced to the concept of "In the Lick of Time" drug dispenser, I immediately could recognize the advantage of this invention. What first comes to mind is the administration of antihistamines, or epinephrine following an insect sting; or the recent medical recommendation of aspirin following the onset of a heart attack; or the administration of vaso-dilators at the early signs of migraine headaches.

With the recent **World** developments new uses appear to be even more compelling. If military or civilian populations are exposed to nerve gas, or Anthrax, or Ricin, or radiation from nuclear devices, "In the Lick of Time" antidotes could be available in "easy to use" dosage forms that could be carried in one's purse, or billfold. The containers would be clearly labeled in large block letters identifying the antidote and the use. One of our worst enemies in situations caused by Terrorism is the chaos generated when people realize that they have been exposed and they are without an immediate remedy. This product could reduce that National anxiety dramatically.

Over the past 40 years I have worked on drug formulations for many drugs used in medicine today. As a pharmacist working in research, hospitals, industry, and retail environments I can safely say that the "In the Lick of Time" concept would be a great contribution to the treatment of many types of exposures. This would be helpful to health care professionals, emergency workers, and the general public. It is truly a product whose time has come and we should proceed with all haste to make it available to the general public.

Thank you for your consideration of this request and my recommendation for expedited processing.

Yours truly,

Kenneth L. Deines

Pharmacist/Business Consultant

## **Kenneth L. Deines**

### **Background:**

1962-1964	Chief of Pharmacy Services Memorial Hospital, Cheyenne, Wyoming
1964-1966	Research Pharmacist, Director of Sterile Manufacturing and Drug Formulation, Instructor College of Pharmacy University of Arkansas School of Medicine, Little Rock, Arkansas
1966-1969	CEO, Chairman of the Board Dunhall Pharmaceutical Inc., Gravette, Arkansas A pharmaceutical manufacturing company.
1969-1974	CEO, DynaCare, Inc. (Chain Drug Store dba Charles RX Plan) Ft. Collins, Colorado
1975-1986	Agent, Manager, New York Life Insurance /NYLIFE Securities Ft. Collins, Colorado
1986-1988	General Manager, New York Life / NYLIFE Securities Columbus, Ohio
1988-1998	Regional Vice President, Managing Partner New York Life /NYLIFE Securities Chicago, Illinois
1999-2000	Vice President of Finance, Board of Directors, PR Pharmaceuticals, Ft. Collins, Colorado

This company is involved in the development of new drug delivery Systems that extend delivery of the active ingredients up to 12 months with a single injection using biodegradable polymers. The company's primary focus has been in the veterinary field. The first product has been approved and will be marketed by Pharmacia Upjohn in early 2003.



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Managing Member  
Capital Funding Strategies, LLC  
Ft. Collins, Colorado

Our company works with start up and leading edge technologies in Bioscience and other evolving technologies. We work with companies to develop business plans, to establish meaningful valuations, to assist in finding the executive Team members, and board members who will be value added players And to help design a capital structure that will allow the founders to be adequately capitalized so that the new technologies can be developed and commercialized.

Interim CEO and Chairman Of Board,  
ZymeX Pharmaceuticals Inc, Athens, GA

ZymeX is a drug discovery company working on a novel approach To identify and build protease inhibitors for auto-immune diseases.

Interim CEO and Board member, ByProducts Enhancement Technologies, Inc. (BETC)  
Ft. Collins, Colorado

BETC is involved in the conversion of bio waste to useful high energy feed products, ethanol, and single cell proteins.

Board of Directors  
Terra Moya Aqua (TMA)  
Cheyenne, Wyoming

TMA is involved in building vertical axis wind turbines that produce electricity at market competitive prices. The company's products do not have propellers as traditional wind turbines, and as a result have no impact on bird populations. They are aesthetic and are easier to service because of their lower profile design.

Education:

B.S. Pharmacy, University of Wyoming

Chartered Life Underwriter, Chartered Financial Consultant  
American College,  
Bryn Marr, Pennsylvania